

CRM-M-46993-2022

Date of Decision: 17.10.2022

Surajpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. RS Joon, Advocate for the petitioner

Mr.GS Sandhu, DAG, Punjab

Mr.Fateh Singh Bhullar, Advocate for complainant

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Mr Fateh Singh Bhullar, Advocate appears on behalf of the complainant and files Memorandum of Appearance which is taken on record.

The petitioner has approached this Court by filing this petition under Section 438 of the Cr.P.C. for grant of anticipatory bail to him in FIR No.191 dated 7.11.2021 under Sections 307, 326, 323, 324, 452 of IPC registered at Police Station City Patti, District Tarn Taran.

Learned counsel for the petitioner, *Inter alia*, contends that present case has been lodged falsely against the petitioner. The complainant was not present at the spot of occurrence. The petitioner is alleged to have caused several injuries to the complainant, but none of the injuries attributed to the petitioner is dangerous to the life of the

complainant. The petitioner has nothing to do with the offence. Nothing is to be recovered from the petitioner and as such no custodial interrogation is required.

On the contrary, learned counsel for the State assisted by the learned counsel for the complainant submits that there is specific role and injuries attributed to the petitioner. Injury No.2 caused on the head of the complainant has been declared grievous in nature by the Board of Doctors. Learned counsel also submits that the investigation is at initial stage and recovery is yet to be effected from the petitioner and as such his custodial interrogation is necessary.

Having heard learned counsel for the parties, I am of the view that there are specific role and injuries attributed to the petitioner. The petitioner has given reverse datar blows to the complainant. The injuries were suffered on head, right parietal region, on dorsal aspect of right little finger, base of right thumb, the base of left middle finger and on ulnar aspect of left little finger. The Board of doctors opined that injury no.2 caused on the head of the complainant is grievous in nature. Moreover, investigation is still going on and, therefore, custodial interrogation of the petitioner is necessary for finding out the modus operandi of commission of offence. It is settled proposition of law that power exercisable under Section 438 of the Cr.P.C. is somewhat extraordinary in character and it is to be exercised in exceptional cases. This view of mine finds support from the judgment of Hon'ble Supreme Court in **Madhya Pradesh Vs. Pradeep Sharma, (2014) 2 SCC 171**.

In view of the discussion made above, the present petition

being devoid of any merit is dismissed. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

(ASHOK KUMAR VERMA)

JUDGE

17.10.2022

MFK

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>